

AMENDMENTS TO THE DRAWINGS

The attached replacement sheets include new FIG. 7. This sheet is the equivalent of FIG. 1 from parent Patent Application No.: 10/448,220 now issued as U.S. Patent No.: 6,971,273. The amendments to the drawings are in accordance to the Examiner's suggestions. In particular, FIG. 7 shows a tool being tested in a tool evaluation device in accordance with an embodiment of the invention.

Attachment: Replacement Sheets

REMARKS/ARGUMENTS

The Office Action mailed February 2, 2006 has been received and its content carefully considered. Reconsideration and withdrawal of the outstanding rejections are respectfully requested in view of the foregoing amendments and the following remarks.

Initially, the Examiner is kindly thanked for her exemplary assistance on May 30, 2006 during a telephonic interview in which the rejection under § 112 was discussed. Without conceding the propriety of the rejection under § 112, each of the independent claims 1, 7, 13 and 20 have been amended in accordance with the Examiner's suggestions. Amendments to the Specification and Drawings have also been made in accordance with the Examiner's suggestions. In particular, paragraphs 20 and 52-58 and FIG. 7 have been incorporated from, respectively, paragraphs 12 and 20-26 and FIG. 1 of parent Patent Application No.: 10/448,220 (now issued as U.S. Patent No.: 6,971,273). Accordingly, no new matter has been added by the aforementioned amendments and no estoppels intended thereby.

REJECTIONS UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

Claims 1-27 stand rejected under 35 U.S.C. § 112 second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. The Applicant has amended independent claims 1, 7, 13 and 20 to clarify the action of the rests, surfaces, and actuator and to further distinguish the tool evaluator from the tool evaluation calibration system. The Applicant respectfully submits that these amendments obviate this rejection and thus, respectfully request reconsideration and withdrawal of the rejection to claims 1, 7, 13 and 20 and the claims that depend therefrom.

REJECTIONS UNDER 35 U.S.C. § 112, FIRST PARAGRAPH

Claims 1-27 stand rejected under 35 U.S.C. § 112 first paragraph as failing to comply with the enablement requirement. The Applicant has amended independent claims 1, 7, 13, and 20 and incorporated subject matter from parent Patent Application No.: 10/448,220 (now issued as U.S. Patent No.: 6,971,273) to more fully describe the interactions of the tool evaluator, the tool, and the calibrator and to enable the invention as recited in claims 1-27. The Applicant respectfully submit that these amendments obviate this rejection and thus, respectfully request reconsideration and withdrawal of the rejection to claims 1, 7, 13 and 20 and the claims that depend therefrom.

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Patent

In view of the foregoing, reconsideration and allowance of this application is believed in order and such action is earnestly solicited. Should the Examiner believe that a telephone conference would facilitate examination of the application, the Examiner is respectfully invited to telephone the undersigned at (202) 861-1629.

In the event this paper is not timely filed, the Applicants petition for an appropriate extension of time. Please charge any fee deficiencies or credit any overpayments to Deposit Account No. 50-2036.

Respectfully submitted,

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